

**(2) Maintenance of effort**

In making a determination of the amount of non-Federal contributions for purposes of subsection (a) of this section, the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in section 300k of this title for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under such section.

**(3) Inclusion of relevant non-Federal contributions for medicaid**

In making a determination of the amount of non-Federal contributions for purposes of subsection (a) of this section, the Secretary shall, subject to paragraphs (1) and (2) of this subsection, include any non-Federal amounts expended pursuant to title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] by the State involved toward the purpose described in paragraphs (1) and (2) of section 300k(a) of this title.

(July 1, 1944, ch. 373, title XV, §1502, as added Aug. 10, 1990, Pub. L. 101-354, §2, 104 Stat. 410.)

## REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Social Security Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

## PRIOR PROVISIONS

A prior section 300l, act July 1, 1944, ch. 373, title XV, §1511, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2229; amended Apr. 22, 1976, Pub. L. 94-278, title XI, §1106(a), 90 Stat. 416; Aug. 1, 1977, Pub. L. 95-83, title I, §106(b), 91 Stat. 384; Oct. 4, 1979, Pub. L. 96-79, title I, §104(a)(1), (b), 93 Stat. 595, 596, related to establishment of health service areas, prior to repeal by Pub. L. 99-660, title VII, §701(a), Nov. 14, 1986, 100 Stat. 3799, effective Jan. 1, 1987.

A prior section 1502 of act July 1, 1944, ch. 373, title XV, was classified to section 300k-2 of this title prior to repeal by Pub. L. 99-660.

**§ 300l-1. Requirement regarding medicaid**

The Secretary may not make a grant under section 300k of this title for a program in a State unless the State plan under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] for the State includes the screening procedures specified in subparagraphs (A) and (B) of section 300m(a)(2) of this title as medical assistance provided under the plan.

(July 1, 1944, ch. 373, title XV, §1502A, as added Oct. 27, 1992, Pub. L. 102-531, title III, §307, 106 Stat. 3495.)

## REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

## PRIOR PROVISIONS

Prior sections 300l-1 to 300l-5 were repealed by Pub. L. 99-660, title VII, §701(a), Nov. 14, 1986, 100 Stat. 3799, effective Jan. 1, 1987.

Section 300l-1, act July 1, 1944, ch. 373, title XV, §1512, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2232; amended Mar. 19, 1976, Pub. L. 94-237, §14(b), 90 Stat. 249; Oct. 12, 1976, Pub. L. 94-484, title IX, §902(a), 90 Stat. 2324; Aug. 1, 1977, Pub. L. 95-83, title I, §106(c), (d), 91 Stat. 384; Oct. 4, 1979, Pub. L. 96-79, title I, §§108(a)-(d)(1), (e), 109, 110(a)-(d)(1), (e)(1), (2)(A), (3), 111(a), (b), 112, 113(a), 114, 93 Stat. 601-607; Aug. 13, 1981, Pub. L. 97-35, title IX, §935(d), 95 Stat. 571; Oct. 22, 1986, Pub. L. 99-514, §2, 100 Stat. 2095, related to composition and operation of health systems agencies.

Section 300l-2, act July 1, 1944, ch. 373, title XV, §1513, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2235; amended Mar. 19, 1976, Pub. L. 94-237, §14(a), 90 Stat. 249; Aug. 1, 1977, Pub. L. 95-83, title I, §106(e)-(i), 91 Stat. 384, 385; July 10, 1979, Pub. L. 96-32, §7(m), 93 Stat. 84; Oct. 4, 1979, Pub. L. 96-79, title I, §§101(b)(1), 103(c), 107(a), 110(e)(4), (f), 115(b)(1), (2), (c)(2), (d)(1), (2), (e), (f), (h), (i)(1), 118(a)(1), (b)(1), (c), 119(b), 120(a), 121, 122(a), 123(c)(1)(B), 93 Stat. 593, 595, 600, 604, 607-610, 620-625; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695; Jan. 2, 1980, Pub. L. 96-181, §15(b), 93 Stat. 1316; Oct. 7, 1980, Pub. L. 96-398, title VIII, §804(d), 94 Stat. 1608; Aug. 13, 1981, Pub. L. 97-35, title IX, §902(g)(4), 95 Stat. 561, related to functions of health systems agencies.

Section 300l-3, act July 1, 1944, ch. 373, title XV, §1514, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2239; amended Aug. 1, 1977, Pub. L. 95-83, title I, §106(j), 91 Stat. 385; Oct. 4, 1979, Pub. L. 96-79, title I, §105(f), 93 Stat. 598, provided for assistance to entities desiring to be designated as health systems agencies.

Section 300l-4, act July 1, 1944, ch. 373, title XV, §1515, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2239; amended Aug. 1, 1977, Pub. L. 95-83, title I, §106(k), 91 Stat. 385; Dec. 19, 1977, Pub. L. 95-215, §6(a)(1), 91 Stat. 1507; Oct. 4, 1979, Pub. L. 96-79, title I, §105(a)-(d)(1)(A), (2), (e), (g), (h), 93 Stat. 596-598; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695, provided for designation of health systems agencies.

Section 300l-5, act July 1, 1944, ch. 373, title XV, §1516, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2241; amended Aug. 1, 1977, Pub. L. 95-83, title I, §102(a), 91 Stat. 383; Dec. 19, 1977, Pub. L. 95-215, §6(a)(2), 91 Stat. 1507; Oct. 4, 1979, Pub. L. 96-79, title I, §§106, 107(b), 127(a), 93 Stat. 598, 600, 629; Dec. 17, 1980, Pub. L. 96-538, title III, §302, 94 Stat. 3190; Aug. 13, 1981, Pub. L. 97-35, title IX, §§933(a)(1), 934(a), 95 Stat. 570, 571, provided for planning grants to health systems agencies.

**§ 300m. Requirements with respect to type and quality of services****(a) Requirement of provision of all services by date certain**

The Secretary may not make a grant under section 300k of this title unless the State involved agrees—

(1) to ensure that, initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 300k(a) of this title, including making available screening procedures for both breast and cervical cancers;

(2) subject to subsection (b) of this section, to ensure that—

(A) in the case of breast cancer, both a physical examination of the breasts and the screening procedure known as a mammography are conducted; and

(B) in the case of cervical cancer, both a pelvic examination and the screening procedure known as a pap smear are conducted;

(3) to ensure that, by the end of any second fiscal year of payments pursuant to the grant,

each of the services or activities described in section 300k(a) of this title is provided; and

(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of such section.

**(b) Use of improved screening procedures**

The Secretary may not make a grant under section 300k of this title unless the State involved agrees that, if any screening procedure superior to a procedure described in subsection (a)(2) of this section becomes commonly available and is recommended for use, any entity providing screening procedures pursuant to the grant will utilize the superior procedure rather than the procedure described in such subsection.

**(c) Quality assurance regarding screening procedures**

The Secretary may not make a grant under section 300k of this title unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.

(July 1, 1944, ch. 373, title XV, §1503, as added Aug. 10, 1990, Pub. L. 101-354, §2, 104 Stat. 410; amended Dec. 14, 1993, Pub. L. 103-183, title I, §101(c)(1), 107 Stat. 2227.)

**PRIOR PROVISIONS**

Prior sections 300m to 300m-6 were repealed by Pub. L. 99-660, title VII, §701(a), Nov. 14, 1986, 100 Stat. 3799, effective Jan. 1, 1987.

Section 300m, act July 1, 1944, ch. 373, title XV, §1521, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2242; amended Aug. 1, 1977, Pub. L. 95-83, title I, §106(f), (m), 91 Stat. 385; Dec. 19, 1977, Pub. L. 95-215, §6(b), 91 Stat. 1507; July 16, 1979, Pub. L. 96-33, 93 Stat. 86; Oct. 4, 1979, Pub. L. 96-79, title I, §123(a), (b)(1)(A), (2), (d), (f), (g)(2), 93 Stat. 624-627; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695; Jan. 2, 1980, Pub. L. 96-181, §15(b), 93 Stat. 1316; Dec. 17, 1980, Pub. L. 96-538, title III, §303(b), 94 Stat. 3190; Aug. 13, 1981, Pub. L. 97-35, title IX, §§902(g)(5), 936(b), 95 Stat. 561, 572; Jan. 4, 1983, Pub. L. 97-414, §9(b), 96 Stat. 2064, provided for designation of State health planning and development agencies.

A prior section 1503 of act July 1, 1944, ch. 373, title XV, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2228; amended Aug. 1, 1977, Pub. L. 95-83, title I, §106(a), 91 Stat. 384; July 10, 1979, Pub. L. 96-32, §7(g), 93 Stat. 84; Oct. 4, 1979, Pub. L. 96-79, title I, §102(b), 93 Stat. 594; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695, which related to National Council on Health Planning and Development, was classified to section 300k-3 of this title.

Section 300m-1, act July 1, 1944, ch. 373, title XV, §1522, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2244; amended 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Oct. 4, 1979, Pub. L. 96-79, title I, §§101(b)(2), 111(c), 115(b)(3), 117(b)(4), 120(b), 122(b), 123(c)(1)(A), (e)(1), 93 Stat. 594, 605, 607, 620, 622, 624, 625, 626; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695, related to State administrative programs.

Section 300m-2, act July 1, 1944, ch. 373, title XV, §1523, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2246; amended Aug. 1, 1977, Pub. L. 95-83, title I, §106(n), 91 Stat. 385; Oct. 4, 1979, Pub. L. 96-79, title I, §§115(c)(1)(A)-(C), (i)(2), 117(b)(1), (2), 118(a)(2), (b)(2), 123(c)(2), (3), (e)(2), (g)(1), 93 Stat. 607, 608, 610, 618, 619, 621, 625-627; Oct. 7, 1980, Pub. L. 96-398, title III, §303, 94 Stat. 1588, related to State health planning and development functions.

Section 300m-3, act July 1, 1944, ch. 373, title XV, §1524, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat.

2247; amended Oct. 4, 1979, Pub. L. 96-79, title I, §§110(d)(2), 113(b), 115(a), (c)(1)(D), (d)(3), (g), (i)(2)-(4), 119(a), 124, 93 Stat. 604, 606-610, 621, 627; Jan. 2, 1980, Pub. L. 96-181, §15(b), 93 Stat. 1316; Dec. 17, 1980, Pub. L. 96-538, title III, §§304, 305, 94 Stat. 3191; Aug. 13, 1981, Pub. L. 97-35, title IX, §902(g)(6), 95 Stat. 561, related to composition and functions of Statewide Health Coordinating Councils.

Section 300m-4, act July 1, 1944, ch. 373, title XV, §1525, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2249; amended Aug. 1, 1977, Pub. L. 95-83, title I, §102(b), 91 Stat. 383; Oct. 4, 1979, Pub. L. 96-79, title I, §107(c), 127(b), 93 Stat. 600, 629; Aug. 13, 1981, Pub. L. 97-35, title IX, §933(a)(2), 95 Stat. 570, provided for grants for State health planning and development.

Section 300m-5, act July 1, 1944, ch. 373, title XV, §1526, as added Jan. 4, 1975, Pub. L. 93-641, §3, 88 Stat. 2249; amended Aug. 1, 1977, Pub. L. 95-83, title I, §102(c), 106(o), 91 Stat. 383, 385; Oct. 4, 1979, Pub. L. 96-79, title I, §§107(d), 120(c), 127(c), 93 Stat. 600, 622, 629, provided for grants for rate regulation.

Section 300m-6, act July 1, 1944, ch. 373, title XV, §1527, as added Oct. 4, 1979, Pub. L. 96-79, title I, §117(a), 93 Stat. 614; amended Dec. 17, 1980, Pub. L. 96-538, title III, §§306, 307, 94 Stat. 3191; Aug. 13, 1981, Pub. L. 97-35, title IX, §949(c), 95 Stat. 578, related to certificate of need program.

**AMENDMENTS**

1993—Subsecs. (c) to (e). Pub. L. 103-183 added subsec. (c) and struck out former subsecs. (c) which related to quality assurance regarding screening for breast cancer, (d) which related to quality assurance regarding screening for cervical cancer, and (e) which related to issuance by Secretary of guidelines with respect to quality of mammography and cytological services.

**TRANSITION RULE REGARDING MAMMOGRAPHIES**

Section 101(c)(2) of Pub. L. 103-183 provided that: "With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act [Dec. 14, 1993] under section 1503(c) of the Public Health Service Act [subsec. (c) of this section] remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act [section 300k of this title]) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act [section 263b of this title]."

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 300l-1 of this title.

**§ 300n. Additional required agreements**

**(a) Priority for low-income women**

The Secretary may not make a grant under section 300k of this title unless the State involved agrees that low-income women will be given priority in the provision of services and activities pursuant to paragraphs (1) and (2) of section 300k(a) of this title.

**(b) Limitation on imposition of fees for services**

The Secretary may not make a grant under section 300k of this title unless the State involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

(1) will be made according to a schedule of charges that is made available to the public;

(2) will be adjusted to reflect the income of the woman involved; and

(3) will not be imposed on any woman with an income of less than 100 percent of the offi-